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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Wrong Ser. no.
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Applicant: Paul A. Firestone

09 635624

Art Unit: 2876

Examiner: Jamara Franklin

Serial Number: 09/547,907

DATE FAXED: February 13, 2001

Application Filed: August, 10, 2000

For: SYSTEM AND METHOD FOR COLLECTING VEHICLE FEES

Commissioner of Patents and Trademarks
Washington DC 20231

Greetings:

In response to the Office Action mailed February 1, 2001, please consider the following:

REMARKS:

1. The patents referenced in the February 1, 2001, Office Action, do indeed disclose various methods for collecting highway tolls. Riskin ('618) describes a credit based method for collection. The Hassett et al. patent ('389) teaches an automatic toll processing apparatus that requires an on-board toll processor for moving vehicles. Hayashi et al. ('548) teaches a mobile communication system for moving vehicles. The Yoshida patent ('249) teaches a mobile communication system for highways. Shieh ('727) teaches a method and system for two-way pocket radio-based electronic tolls for vehicles at toll booths. Chaum et al. ('520) teaches an automatic real-time highway toll

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collection for moving vehicles. And, Taniguchi et al. (JP 08,180,227 A) teaches a toll collecting system for vehicles as they approach a collecting system.

2. Riskin ('618) teaches a means for collecting highway tolls and requires vehicle movement at a toll plaza, (See Col 2, line 3: "...speed up flow at toll plaza...") The instant application teaches the elimination of toll plazas and fairly, and passively, distributes road use fees to all vehicles-- vehicles that are moving and vehicles that are stationary. Also, at Col., 3 line 21, Riskin explains the intention of the '618 patent, namely, the extending of credit. In fact, each and every component of the '618 patent depends on a credit relationship while the instant invention does not rely on any credit relationship. The instant applicant teaches a new and improved system where no toll plazas are necessary while Riskin requires one in '618 (see Col., line 24).

3. The requirement of credit is unfair, not realistic, and necessary for Riskin. Credit is eliminated by this instant application and the existence of a vehicle is all that is required for appropriate road usage fees whether, very importantly, and only in the instant invention, the vehicle is moving or not. The instant invention involves parked vehicles and those vehicles on all public roads-- true and fair vehicle fee collection.

4. Riskin, at Col 3, line 51, speaks of credit blocking by use of a "bad list." This is not contemplated, nor endorsed by the applicant here. The instant application provides for a fair distribution of costs and a credit-free, passive collection. In addition, the applicant here provides for a method of payment- if so desired by a municipality- for

all vehicles' use of any particular roads. Importantly, this includes stationary vehicles and those existent on "non-tollbooth" roads.

5. The cited patents involve moving vehicles, the instant patent provides an improved system of vehicle monitoring, based alone on the presence of the vehicle-- of moving and stationary vehicles. With the instant invention, a person who never travels a "toll" type roadway still pays his fair share of the use of ALL roads, and, should a municipality chose, fees can be fairly charged to everyone.

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6. All presented prior art is dependant on toll booths while the instant application does not require costly and arbitrary toll plazas. The instant application not only tracks road use for funding, wear and tear, analysis, etc., it provides data for urban planning studies involving parking and road expansion needs.

7. The pending application does not rely on toll booths or parking meters and more fairly spreads the costs associated with all vehicles' use of roads. It is respectfully submitted that the pending application is new and novel, and not anticipated by Riskin. Truly, the new and novel feature of the instant invention is above and beyond design choice as all municipalities may chose whether to charge a vehicle or not, and not just because the vehicle is moving (as through a toll booth). The instant invention allows, for example, parked vehicles to pay their fair share of a road's use even if there are not toll booths or parking meters present. Also, vehicles which bypass toll booths will pay their fair share of costs. And most importantly, the overall cost to all vehicles will be fair and more economical.

8. In Riskin, the reliance on toll booths is clear. In addition, each and every claim reveals the need for credit and billing which is not required by the instant application. (See Riskin, claim 1, "The method of extending credit...") Indeed, Riskin requires a billing method. The instant invention speaks to the fair monitoring of all vehicles for geographical-based and universal fee collection.

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9. The instant application is new and novel over prior art in that the application provides for a universally fair, and passive, road use fee system.

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10. For all the above reasons, applicant submits that the current application as new, novel, unobvious and patentable over prior art.

Request pursuant to MPEP Section 707.07(j)

11. Applicant respectfully requests that the examiner write one or more acceptable claims pursuant to MPEP 707.07(j).

It is respectfully requested that the instant response and requests be fully considered.

Respectfully submitted,


Paul A. Firestone
Paul A. Firestone, Applicant/Inventor
88 Central Park West
New York, New York 10023
212-799-7018 tel/fax

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